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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/216,985	12/21/1998	LAURENCE HONARVAR	1330.1010	8897

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STAAS & HALSEY LLP  
700 11TH STREET, NW  
SUITE 500  
WASHINGTON, DC 20001

EXAMINER

CUFF, MICHAEL A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/216,985</b>	Applicant(s) <b>Honarvar</b>
	Examiner <b>Michael Cuff</b>	Art Unit <b>3627</b>



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1)  Responsive to communication(s) filed on Jul 9, 2002

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

4)  Claim(s) 1-11 and 22-47 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-11 and 22-47 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5      6)  Other:

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## **DETAILED ACTION**

### ***RCE & Amendment***

1. Applicant's RCE and amendment B, both filed 7/09/02, have been received and entered. Claims 1, 6-10, 23, 26-38 have been amended. New claims 39-47 have been added. Applicant's amendment has resolved the 35 USC 112, 2nd issue of previous record.

Applicant has chosen to use a means plus function format for claim 46. The examiner has interpreted the term "means for evaluating" to be the structure of the "decision management system 150" and the software of the evaluating section 180. The examiner has interpreted the term "means for taking action" to be the structure of the "decision management system 150" and the software of the categorization section 200. The examiner requests that applicant inform the examiner if the scope of the above limitations are any different. The point of this request is avoid a miscommunication with respect to 35 USC 112, 6th.

Arguments on the art rejection will be discussed in this office action.

In reference to the IDS, applicant's representative, Paul Kravetz, and the examiner discussed this issue. Evidently, applicant had submitted a box of references to go along with the IDS. The examiner explained to Mr. Kravetz that the box was not with the rest of the file. Mr. Kravetz generously offered to re-send all the references. In the spirit of trying to avoid bulky paper waste, the examiner has electronically considered all of the references which could be

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retrieved easily and has initialed them accordingly. (see enclosed incomplete IDS). The examiner request applicant to provide copies of the references not yet considered.

***Drawings***

2. Per the drawing objections made in PTO-948, paper 2, 10/03/01, corrected drawings are required in reply to this office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. If the reply does not include corrected drawings or a reply to the drawing requirements, the reply should be held non-responsive.

The above new guidelines are set forth in:

*Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule,*  
65 Fed. Reg. 57023 (Sept. 20, 2000)

*Drawings in Patent Application Publications and Patents*, 1242 Off. Gaz. Pat. Office 114  
(Jan. 16, 2001)

The Memorandum on “Procedures for Treatment of Drawings in Utility Applications” from Esther M. Kepplinger, Deputy Commissioner for Patent Operations, on May 3, 2001 to Patent Examining Corps Directors.

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***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 and 22-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

All of the independent claims recite the term “single pass”. It is not clear as to the exact meaning and scope of this term. Applicant asserts that “a ‘single pass’ indicates that, in the evaluation of a customer, the required customer and account data is retrieved and loaded once, prior to doing the customer evaluation.” Page 18, top paragraph, applicant recites that a single pass operation can be seen as a looping process. This definition seems to be independent and different from the one argued.

Page 18, top paragraph, applicant recites “The concepts of single pass and multi-pass would be understood by persons of skill in the art.” The examiner believes that much of the patentability of applicant’s claims rest on the meaning of the term “single pass” and therefore should be clearly defined.

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371C of this title before the invention thereof by the applicant for patent.

6. Claims 1-11 and 22-47, as best understood by the examiner, are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (6,088,686)

Walker et al. Shows, figures 1A and 1B, the system and method of the present invention provide on-line processing of applications in real time (single pass, one time data input, means for evaluating), thus providing conditional approvals, pending required verifications. The system has a front-end processing system (blocks 14 and 16) that provides an immediate review of the results of analyzing an applicant's credit bureau history (blocks 28, 30, 32 and 34) (account data, 30, 32, 34 provide virtual attributes) and automated credit scoring. The system and method of the present invention involves the unique processing of a new or existing customer relationship (blocks 18, 20 and 24, virtual attributes) (customer data) into the credit decision request. Via on-line real-time integration of the many systems (block 52) involved in the process, all of the existing customer's accounts (each of customer's accounts, some can be of the same type) are systematically and automatically reviewed during the application session to determine the aggregate balance amount, which gives rise to the best price being offered to the existing

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customer 10 (evaluating customer) for the requested credit product. This feature enables the ability to provide new or existing customers (block 10) with an up-front conditional approval based on systematic evaluation of credit bureau history, credit score (virtual attribute), debt burden (virtual attribute), credit policies and the customer's relationship (virtual attribute) with the financial institution, (separate extracts, different data sources, plurality of extracts) subject to required verifications.

The Maximum Debt Burden Offer provides applicants requesting credit (revolving or closed-end) with the maximum allowable line of credit or loan amount, whose estimated payment for the requested product, in addition to all known debt payments (applicant provided debt, including rent or mortgage payments, and credit bureau derived payments) (different accounts with different strategies), would not exceed the product specified parameters (line assignment tables) up to the designated controlling debt burden table parameter.

Any label for a term is a virtual attribute. For example, credit limit less the balance is equal to the available credit. In this example, the terms "credit limit", "balance" and "available credit" are all virtual terms because they are all attributes with no explicit data value. (See applicant's definition on page 18, lines 11-13 of the specification.) These attributes do represent a series of non-virtual attributes which have explicit values. The examiner has indicated many "virtual attributes" through out the sighted reference. The "non-virtual attributes" are inherent as the collection of attributes which make up a "virtual attribute".

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A series of tables in the application processing system (ACAPS 26) contains the price points for each product that has multiple price points (iterative function, iterative matrix). The tables also provide the name of the characteristic (such as balance amount, virtual attribute), the break point(s)(virtual attribute) (such as less than \$1500, greater than or equal to \$1500, etc.), and the resulting price(s)(virtual attribute). Other table values within ACAPS 26 determine whether the automated pricing routines should be used or not used (first iterative decision tree, iterative for each new account requested by customer). Assuming the routines are used, ACAPS 26 calls (first iterative function calls second) upon another bank system (block 52 ), which aggregates all of the customer's balances (second iterative matrix function, iterating through a number of accounts) to obtain the aggregated balance amount to be used in conjunction with the pricing tables to determine the price to be offered to the applicant 10.

#### *Response to Arguments*

7. Applicant's arguments filed 7/09/02 have been fully considered but they are not persuasive.  
Applicant asserts that the Walker reference does not show the use of a "single pass".  
Applicant asserts that "a 'single pass' indicates that, in the evaluation of a customer, the required customer and account data is retrieved and loaded once, prior to doing the customer evaluation."

The examiner does not believe that what applicant is arguing is being claimed. The examiner recommends that applicant claims what they intend because, as the claims are written,

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the above intent has never been claimed. For example, claim 1, line 4, recites "in a single pass, evaluating ...". The examiner believes that grammatically the "evaluating" is being done in a "single pass". However, applicant just argued that the "single pass" is done prior to doing the evaluation. Furthermore applicant's evaluation is interactive, not in a "single pass". The examiner would like to recommend language which may further prosecution as to clarity, not necessarily patentability. For example, claim 1, --

1. ... process ... comprising:

retrieving required customer and account data; and

loading all the required customer and account data one time into an evaluation device; and  
evaluating the customer ... --

### *Conclusion*

8. Any inquiry concerning this communication should be directed to Michael Cuff at telephone number (703) 308-0610.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900. The fax phone number for this Group is (703) 746-7239. (After Final special fax number (703) 746-7238)

*Michael Cuff 8/12/02*  
Michael Cuff  
August 12, 2002